

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DONTA JENKINS,

Plaintiff,

v.

DAVE RIEWESTAHL, et al.

Defendants.

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ORDER

Case No. 23-cv-271-wmc

On May 1, 2023, I entered an order assessing plaintiff Donta Jenkins an initial partial payment of \$29.25 in this case. Now plaintiff has filed a second motion to waive the assessed initial partial filing fee. With the motion, plaintiff included an account statement for May 8, 2023.

In calculating the amount of plaintiff's initial partial payment in this case, I used the trust fund account statement plaintiff submitted in support of the request for leave to proceed without prepaying the fee. The trust fund account statement shows that plaintiff had deposits made to his account, which I was able to calculate plaintiff's average monthly deposits to be \$29.25. Plaintiff has submitted an inmate statement for the day of May 8, 2023; however, the statement does not show any transactions made to his account.

Therefore, I will deny without prejudice plaintiff's motion to waive the initial partial filing fee and give plaintiff an extension of time until July 31, 2023, to submit the initial partial payment. If by July 31, plaintiff is still unable to pay the initial partial payment, plaintiff should submit an updated trust fund account statement that includes the months of May and June 2023 or other documentation that shows how his financial situation has changed.

If plaintiff does not have enough money to make the initial partial payment from plaintiff's regular account, plaintiff should arrange with prison authorities to pay the remainder from plaintiff's release account.

ORDER

IT IS ORDERED that:

1. Plaintiff Donta Jenkins' motion to waive the initial partial payment in the above case is DENIED without prejudice. Plaintiff may have an enlargement of time to July 31, 2023, to either submit a check or money order payable to the clerk of court in the amount of \$29.25 or submit an updated trust fund account statement or other documentation that shows how his financial situation has changed.

2. If, by July 28, 2023, plaintiff fails to make the initial partial payment, or to show cause for his failure to do so, plaintiff will be held to have withdrawn the action voluntarily and the case will be closed without prejudice to plaintiff's filing the case at a later date.

Entered this 5th day of July, 2023.

BY THE COURT:

/s/  
ANDREW R. WISEMAN  
Magistrate Judge